CRIME IN ITS RELATION TO SOCIAL PROGRESS. By Arthur Cleveland Hall. New York: The Columbia University Press. The Macmillan Co., Agents. London: P. S. King & Son. 1902. pp. xvii, 427. 8vo.

The main thesis of this book is, that the apparent increase in convictions for crime in some of the most advanced nations during the last century is not a sign of decadence. One would think that a book as big as this would not be necessary to prove anything so self-evident. The creation of novel, petty crimes and the more certain detection and punishment of older crimes much more than account for the apparent increase. When we find a court with its jurisdiction nearly constant and study its records during the century we find quite another story. In the Old Bailey and the Central Criminal Court of London, for instance, with a not greatly increased jurisdiction or tale of crimes, the number of prosecutions enormously decreased during the nineteenth century.

But the science of criminology cannot, it appears, be established by so simple a method as by the statement of axioms and the test of these axioms by the facts. Through devious paths the way is most satisfactory. And Doctor Hall's method of proving his axiom is devious enough. The steps are as follows: —

1. "Crime is any act or omission to act *punished by* society as a wrong against itself" (p. 10). "If forbidden and punishable by law, but not actually punished, the act is not an abstract crime." "It is necessary always to remember that no action is a crime unless society actually punishes it as a wrong against itself. No amount of legal prohibition will suffice, unless the laws are enforced" (p. 277). "Piracy was not a crime at the beginning of the eighteenth century, for it was not punished to any extent, and successful pirates were greatly admired by the lower classes" (p. 257). "The laws remained dead letters, and consequently the acts they were directed against were not crimes" p. 193). "Crime ceases to be punished. Crime ceases to be crime" (p. 153).

2. Having assumed this unique meaning for the word crime, it follows that where there are few crimes the nation is either so torn with war and anarchy that it cannot feel the pin-pricks of mere trangression, or else it is so weak as not to be able to resent and punish.

3. Consequently an increase of crime indicates an awakening to faults and the power of redressing them.

4. Finally, since crime is greatly increasing in modern civilization, we are advancing, not decadent.

A weak point here is, that the "crime" which according to Doctor Hall is increasing, is crime not in his sense but in the ordinary sense — acts punishable by the law.

This book shows many excellent qualities; industry, clearness and firmness of purpose, patience in the development of the theme, and intelligent optimism. It is marred by the faults pointed out: a fundamental misuse of the principal word of its title (leading finally to confusion), and a labored attempt to prove that progress progresses. This may indicate imperfect mastery of the facts, or immature judgment. In either case, the book might be fundamentally improved in a second edition.

J. H. B.

A TREATISE ON THE AMERICAN LAW OF REAL PROPERTY. By Emory Washburn, Bussey Professor of Law in Harvard University. Sixth Edition by John Wurts, Professor of the Law of Real Property in the Yale Law School. 3 vols. Boston: Little, Brown, & Co. 1902. pp. clxx, 579; iv, 706; iv, 636. 8vo.

"The training of a lawyer should not only enable him to perceive and understand abstract truths in detail, but to contemplate them in their relations and bearings to each other, so as, out of them, to elicit new truths, and, in this way, to grasp and comprehend the problems of law and government with which he will have to engage." So spoke Professor Washburn in his closing address to the students of the Harvard Law School, in 1876. In the same spirit he had, in

1860, written the two original volumes on the Law of Real Property. His broad grasp of the entire subject and his clear and easy style produced a work which remains to-day the most comprehensive general treatise on this large and important branch of the law.

The first three editions appeared at intervals of four years. Since then, the periods between successive editions have gradually increased, largely owing to the multiplication of books on special topics embraced under this title, but Professor Washburn's work is still the standard treatise on the subject. Its retention of this position is, however, due in no small measure to the fortunate selection of its editors and annotators. In the sixth edition, especially, do the labors of the editor add to the value of the volumes. Professor Wurts has not only brought down to date the references to authorities, but has made many changes in the text, chiefly by way of addition and enlargement. These changes have been in complete sympathy with the method and manner of the original. Often, in the light of the increased number of cases decided since Professor Washburn wrote, Professor Wurts is enabled to deduce a definition or a principle of law, where before there had been stated only a decision on a single set of facts. The subject of Fixtures offers many such opportunities. On the other hand, former editors had expanded largely the discussion of the topic of "Homestead Rights;" the sixth edition wisely follows the general scope of the original, and reduces this chapter about one hundred pages.

In view of the excellence of the editorial work, it may be permissible to doubt the advisability of a merely mechanical change, namely, the omission of the paging of the first edition. Verification of references to or from other editions thus becomes extremely difficult.

J. I. W.

LECTURES ON SLAVONIC LAW. By Feodor Sigel. London: Henry Frowde. New York: Oxford University Press, American Branch. 1902. pp. viii, 152. 12mo.

This little book contains the Ilchester Lectures for the year 1900, by Professor Sigel of the faculty of law in the University of Warsaw. These consist of a careful historical examination of the fortunes of folk-law in the Slavonic nations of Europe. Separate lectures are devoted to Bulgaria and Servia, Russia, Bohemia, Poland, and Croatia.

The title given to the book is a trifle misleading. While the greater part of the lectures tells about the Slavonic law and its fortunes in various Slavonic states, there is hardly a word to indicate what the actual provisions of that law were; neither are the principles of Slavonic law stated, nor is any comparison made between these principles and those of other Aryan systems of law. One who goes to the book, therefore, to find out what the peculiar doctrines of Slavonic lawgivers were will be disappointed. On the other hand, there is a careful, concise, and, on the whole, clear discussion of the external history of the popular law, its crystallization into more or less perfect codes in the different states, and its final absorption into the all-conquering Roman law. We get a good general idea of the constitutional history of these countries, and some information on their legal bibliography. This information is so interesting and so valuable that one hardly feels like finding fault with the book for not containing what its title seems to import.

To an English lawyer much the most interesting part of this book is the lecture on the law of Bohemia. The King of Bohemia, like the King of England, succeeded in establishing a King's Court which absorbed into itself the functions of the earlier popular courts. Like the King's Court in England, this court proceeded to apply throughout Bohemia a common law, based largely, of course, on doctrines of Slavonic law, but modifying those doctrines by notions of equity and of public policy. Again like the English court, the Bohemian court proceeded from precedent to precedent, and thus established a body of common law that was sensible, flexible, and perfectly adapted to its purpose. Unfortunately this Bohemian common law was entirely superseded at the time